IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

-

WRIT PETITION NO.5353 OF 2004

and

WRIT APPEAL NO : 1830 of 2005

Between:

Bijjala Kamalakar

..... APPELLANT/
PETITIONER

AND

1 The Andhra Pradesh State Financial

Corporation, Khammam Branch,

Khammam, and 2 others.

.....RESPONDENTS/

RESPONDENTS

JUDGMENT: (Per Hon'ble Sri Bilal Nazki, The Acting Chief Justice)

Heard learned Counsel for the parties.

The grievance of the writ petitioner-appellant was that the respondents were interfering in the running of his school. The learned single judge passed an order of stay, which was later on vacated by order dated 18-08-2005. The bone of contention is notice dated 07-02-2003, which is a demand notice. By this notice, the petitioner has only been asked to pay an amount of Rs.82,21,970/- within 15 days. He was also informed that if the amount was not paid back, the amount would be recovered in terms of provisions of Andhra Pradesh Revenue Recovery Act, 1864. The allegation of the writ petitioner-appellant is that the School, which is being run by him, has nothing to do with the Loan Account No.59819715, 23 and 58, of the A.P. State Financial Corporation, Khammam branch.

In these proceedings, we will not be able to come to a conclusion as to whether the school building is the subject matter, or in any way concerned with the loan accounts of the writ petitioner-appellant or not. But, we feel that the Writ Appeal as well as the Writ Petition can be disposed of with a direction to the respondents that in case they want to make recoveries from the writ petitioner-appellant, they shall do so strictly in accordance with law.

With this observation, we dispose of the Writ Petition, and also the Writ Appeal. No costs.

(Bilal Nazki, A.C.J)

27th September, 2005

(R.Subhash Reddy, J)

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